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12
13 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

14
15 KASHYAP P. PATEL *et al.*,

16 Plaintiffs,

17 v.

18 JIM STEWARTSON,

19 Defendant.

Case No.: 2:23-cv-873-APG-NJK

PLAINTIFFS' RESPONSE TO
ORDER TO SHOW CAUSE

21 **SHOW CAUSE RESPONSE**

22
COME NOW, Plaintiffs KASHYAP P. PATEL *et al.*, by and through undersigned
23
Counsel, SIGAL CHATTAH, ESQ of CHATTAH LAW GROUP and BINNAL LAW GROUP,
24
PLLC, and hereby submit the foregoing Show Cause Response to this Court's Order to Show
25
Cause [ECF 29].

1 On March 4, 2025, this Court issued a show cause for why this case should not be
2 dismissed for failure to prosecute. [ECF 29]. Plaintiffs obtained a clerk's entry of default in
3 December 2023. [ECF 21].

4 Since that time, Plaintiffs began further investigation into the facts of this case in
5 anticipation for an evidentiary hearing to prove up the damages as delineated in Plaintiffs'
6 Motion for Default Judgment, including retaining a specialized expert to attest the special type
7 of damages included in quantifying a damages amount in the field of online reputation
8 management and damages.

9 During the pendency of this investigation and attempts to secure forensic expert in
10 support of said Motion for Default Judgment, external issues involving Plaintiff Patel's,
11 nomination and confirmation as Director of the Federal Bureau of Investigation delayed
12 Plaintiffs from moving forward.

13 On March 16, 2025, Plaintiffs filed their motion for default judgment. [ECF 30].
14 Accordingly, good cause exists to not dismiss this action.

15 This Court has previously concluded that good cause did not require a showing of
16 "extraordinary circumstances." *Riner v. Crawford*, 415 F. Supp. 2d 1207, 1210 (2006).
17 Unfortunately, neither the statute itself nor its legislative history define "good cause." Moreover,
18 the cases that have addressed the issue are more helpful in determining what is not good cause,
19 rather than what is. *Wei v. State of Hawaii*, 763 F.2d 370, 372 (9th Cir. 1985) (neither
20 inadvertence of counsel nor plaintiff's desire to amend his complaint before service
21 constitute good cause); *Ruley v. Nelson*, 106 F.R.D. 514, 518 (D. Nev. 1985) (counsel's ignorance
22 of Rule 4(j) no excuse and desire to learn more about the case insufficient); *Arroyo v. Wheat*, 102
23 F.R.D. 516, 518 (D. Nev. 1984) (Rule 4(j) is aimed at inadvertent or heedless
24

1 nonservice); *Coleman, supra*, at 477-478 (inadvertence of new lawyer in not discovering original
 2 lawyer's failure to serve is not good cause). *Le Master v. Winnemucca*, 113 F.R.D. 37 (1986).

3 Despite the fact that “good cause” is not necessarily defined in the various cases provided
 4 *supra*, it is clear that there need **not** be a showing of “extraordinary circumstances” to
 5 demonstrate good cause.

6 Here, in light of Plaintiffs’ explanation above, it is clear that good cause exists for the
 7 delay. Furthermore, there is no prejudice to Defendant as he has not participated in these
 8 proceedings, despite having full knowledge of this matter, as evidenced in Plaintiffs’ motion for
 9 default judgment.

11 Therefore, Plaintiffs respectfully request that this Court maintain this action and
 12 ultimately grant their motion for default judgment.

13 WHEREFORE, this matter should not be dismissed for failure to prosecute.

14 Dated: March 18, 2025

15 Respectfully submitted,
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